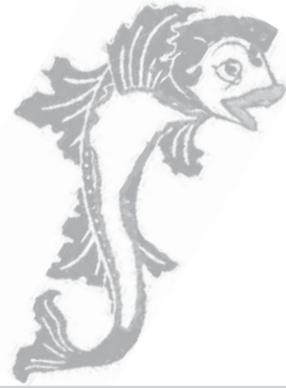




# THE NAKED FISH

## We Dare To Print The Naked Truth



A Publication of Citizens' Alliance for Property Rights and affiliates

January - February 2005

### VOLUNTEERS GATHER THOUSANDS OF SIGNATURES SO THOSE AFFECTED BY CAO CAN VOTE ON IT!



### NORM MALENG, FUTUREWISE (THE ARTIST FORMERLY KNOWN AS 1000 FRIENDS) AND CELP FILE LAWSUIT TO PREVENT REFERENDA

A small army of volunteers spent the last part of November and the first part of December gathering signatures for the three referenda that will put King County's Critical Areas package of ordinances on the ballot in unincorporated King County. The volunteers set up tables in front of local businesses and watched in amazement as people flocked around them, pens in hand, eager to sign.

It took seven separate printings of the petitions to supply the several hundred people who wished to have them in their business or circulate them in their neighborhoods. As this article was written, we had easily surpassed the required number (6,891) of signatures and were still counting. The amount of enthusiasm for doing these referenda is a reflection of the frustration built up in the rural populace over the years due to their lack of say in their own affairs.

Meanwhile, doing his best imitation of the Grinch, King County Prosecutor Norm Maleng has filed suit to stop the referenda. It is obvious to him that exercising the refer-

endum rights given by the King County Charter and the Washington State Constitution is unlawful and it is his duty to spend tax dollars to squash those rights. He was unsure at first but his 1000 Friends in Seattle assured him they would be right behind him if he would only lead the charge.

We had our first half hour in King County Superior Court on January 14, 2005, and lost on all counts. That was not unexpected. The Superior Court judge was obligated to follow the precedent set by a previous state Supreme Court decision - Whatcom vs. Brisbane. That Supreme Court went against all previous precedent when they disallowed the referendum on Whatcom County's Critical Area Ordinance. We are confident that the current court will find in our favor and the referenda will go forward. We have appealed the superior court ruling and are waiting for notice from the Supreme Court if they will hear the appeal directly and when they would do so. [See the related article "The Game Plan" on page 2]

### BILLS SEEK TO CLARIFY THAT SCIENCE TRUMPS EVERYTHING ELSE IN LAND USE

House Bill 2207 - Representatives Simpson and Springer, House Bill 2232 - Representatives B. Sullivan, Hinkle, Clibborn and Hunter, and Senate Bill 6035 - Senator Mulliken, have been introduced to the Washington State Legislature. They all seek to "clarify" that "Best Available Science" will dictate land use regulations in this state. Any city or county that dares to deviate from science and use any of the other 12 goals of the growth management act is required to exhaustively document their deviance on the record. Any deviance from science in favor of the other goals must include full analysis of the impacts on the environment. There is no analysis necessary of the impact of environmental protections on the other 12 goals of GMA. The 12 bastard children of GMA are listed below:

1. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
3. Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
4. Housing. Encourage the availability of affordable housing to all economic segments of the population. Promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. Economic development. Encourage economic development throughout the region that is consistent with adopted comprehensive plans, promote economic opportunity, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the region's natural resources, public

services and public facilities. 6. Property rights. Private property should not be taken for public use without just compensation having been made. The property rights of landowners should be protected from arbitrary and discriminatory actions.

7. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
8. Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries.
9. Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
11. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
12. Public facilities and services. Ensure that those public facilities and services necessary to support development should be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
13. Historic preservation. Identify and encourage the preservation of lands, sites and structures that have historical or archaeological significance.

And, of course, GMA's favorite child:

10. Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

### STATE BUREAUCRATS WILL WRITE CAO FOR CITIES AND COUNTIES

On Monday, February 28th, the House Local Government Committee held a public hearing on HB 2077 - Requiring example critical areas policies or regulations. This bill, along with companion Senate Bill 5954, appears to be a precursor to a statewide Critical Areas Ordinance (CAO).

The bill requires the state Department of Community, Trade, and Economic Development; Department of Fish & Wildlife; and/or the Department of Ecology to de-

velop a model critical areas ordinance that local governments can adopt. This could lead to the King County CAO being adopted as the statewide model. While the bill does not require local governments to adopt the model policy, many most likely will to avoid litigation.

This proposal will create a one-size-fits-all approach to critical areas and most likely will include large buffers that take away more land.

**In a time of Universal Deceit, Telling the Truth is a Revolutionary Act.**

— George Orwell

Complimentary Copy — See page 2 for details of how to receive future issues

## THE GAME PLAN

Gathering the signatures was just the first step. King County Prosecutor Norm Maleng, 1000 Friends of Washington, and the Center for Environmental Law and Policy have sued to stop the referenda using your tax dollars. They are citing a state Supreme Court ruling on *Whatcom v. Brisbane* from 1994 that prevented voters in Whatcom county from holding a referendum on Whatcom County's initial critical areas ordinance. Prior to Brisbane, when the state legislature wanted to suppress local referendum rights on actions they required of counties, they would direct the actions be done by the legislative arm of the county. The Growth Management Act specifies the legislative arm for policy plans such as King County's Comprehensive Plan. When the state legislature desires to retain local referendum rights, they direct that actions be performed by the county itself. Under GMA, that is the wording for specific regulations such as critical areas ordinances. The Supreme Court went against that well-established precedent in Brisbane.

The second step is to ask the court to set aside their ruling on Brisbane and correctly allow us to continue with the referendum. We lost in King County Superior Court, as expected. The Superior Court judge did not have the authority to find in our favor contrary to Brisbane. We have appealed to the Supreme Court, which does have the necessary authority. The only justice left on the court from

the Brisbane decision is Justice Madsen and she was the lone dissenting vote in that case. The majority opinion and her well-crafted dissent are well worth reading at <http://www.mrsc.org/mc/courts/supreme/125wn2d/125wn2d0345.htm>. We expect that this time Justice Madsen, with the help of Justice Sanders and Justice Johnson, will prevail. We are half way through the court fight. We must continue to raise funds to complete the legal fight.

The third step depends on the final outcome of the court case. If we prevail and make it to the ballot, we will have to run a campaign to win the vote. We can expect a spirited campaign from the proponents of the CAO. The fancy brochure put out by King County during the signature-gathering phase is one small example of what we can expect. They spent as much (\$50,000) on that one piece as we will spend on the entire court fight. We have professionals donating their time and expertise to plan both direct mail and multimedia campaigns. We need \$300,000 to effectively fund the relatively modest campaigns they have proposed.

If we lose at the Supreme Court, we will know exactly who on that court are our friends and whom we need to replace. Three of the justices must stand for elec-

tion in 2006. Our organization has been committed from the beginning to finding and helping to elect judges with a commitment to defend property rights. We helped to elect Justice Johnson in 2004 and expect him to be a strong defender of all of our rights. Many property rights decisions are 5-4 against property rights. One or two more justices willing to stand up to the activists could make major changes in how land use is handled in this state. If we should lose the court case, one use of the money we collect for the referenda campaign is to fund the campaign to change the makeup of the state Supreme Court in 2006 so that we can start recovering our property rights.

There are at least two other very promising efforts that we are involved in that will require funds. One would dramatically reorganize the structure of local government in King County by splitting King County into two counties. Secondly, we are involved with the groups working towards a Balanced Rights Initiative ([www.balancedrights.org](http://www.balancedrights.org)) similar to Oregon's Measure 37.

If you have email, please join our new email announcement list ([www.proprights.org](http://www.proprights.org)) so that we have an inexpensive way to keep you informed. Unlike the discussion list, the announcement list will keep you informed without flooding you with mail.

## THE BALANCED RIGHTS INITIATIVE

By Gary Tripp

The Washington Constitution requires that

**"No private property shall be taken or damaged for public or private use without just compensation."**

Rulemaking by cities, counties and the state routinely damages private property by restricting the owners' right to use their property and reducing its value without just compensation.

We believe our system of laws, which must be based on the Washington Constitution, is out of balance. We are therefore proposing to file an initiative to the voters of Washington to correct this imbalance.

### Initiative to the Citizens of the State of Washington:

**BE IT RESOLVED that government must pay property owners, or permanently forgo enforcement by repealing, changing, not applying restrictions, when certain land use restrictions reduce owners' property value. YES or NO**

#### Balanced Rights mean

- ◆ Balancing the rights of property owners with their responsibility to protect the environment.
- ◆ Balancing the rights of property owners with their neighbors' rights.
- ◆ Balancing the benefit to society of creating parks, open space, watersheds and wildlife habitat with the cost to the public of acquiring the land for those uses.
- ◆ Balancing the rights of property owners with the goals of the GMA by increasing density in urban growth areas without decreasing rural density and damaging rural property owners' rights.
- ◆ Balancing the benefit to society of land use restrictions with the cost to society.

#### The Examples of the Problem

When citizens buy real property they are buying the right to use the property as it is then zoned. The value of the property and the annual property taxes are determined by that authorized use. The government should not take or damage property by changing the zoning, mandating no-use buffers, and other restrictions which reduces the owners' right to use their land in the way it was zoned when purchased.

A teacher buys five acres zoned for two houses as an investment. But when the teacher goes to sell it, only one house can be built because of new buffer requirements. Today the teacher loses. After the initiative, the teacher would be able to build two houses or the government must pay.

A couple buys a house on 20 acres on which to raise their family. They plan to subdivide their property when they retire and to sell the extra lots. Between the time they buy the property and the time they retire, the zoning is changed so the property cannot be subdivided. Today they lose. After the initiative they would be able to subdivide their property or the government must pay.

Twenty five years after a couple builds their dream home next to a stream, a pond or the shore, the rules change, making their home non-conforming, decreasing its value and their ability to rebuild or sell. Today they lose. After the initiative they could rebuild or the government must pay.

A cabinetmaker buys two acres which is properly zoned for his shop and which has enough space for his possible future expansion. The city rezones his property making cabinet making an illegal use. Later, when he needs to expand his business, the city refuses to give him a permit to expand his now non-conforming use. Today the cabinetmaker loses because he must sell and

move. After the initiative he could expand his shop and keep his business in its current location or the government must pay.

The country store that has always been there burns down. The owner can't rebuild because long after he bought the store, the county changed the zoning to residential. Today the storeowner loses twice; first, he loses his business and second, he loses when he sells the lot, because a lot for one house is less valuable than a lot for a store. After the initiative he would be able to rebuild his store or the government must pay.

In all of these cases, the right to use one's property and a big percentage of its value was taken by cities and counties without compensation. If society believes zoning should be changed and such changes decrease the right to use and the value of some parcels of private property, then society should pay. The total burden of creating a rural landscape, tree-lined roads, open space, watershed, and wildlife habitat should not be borne by just the individual property owners themselves. If this is truly society's goal, then the society should pay.

There are those who would say, people took a risk investing in real estate and the government should not have to pay them for any losses. That is partially true. If the market value for property decreases, then that is the owner's risk, but if the cause of the decrease in value is government changing the rules, then that is not fair. Imagine if you bought IBM stock which is freely traded and the market for IBM goes down, then that is the investor's risk. But if the decrease in value is caused the government ruling that IBM stock can only be traded for shares in a non-profit farm preservation trust, then that is not fair and should be illegal. It should also be illegal for government to decrease the value of real property by changing the rules without paying for the decreased value.

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### To Continue Receiving *The Naked Fish*

*The Naked Fish* is mailed to subscribers and members of groups affiliated with Citizens' Alliance for Property Rights (CAPR). We also distribute a large number of complimentary copies. If you are a member of an affiliated group or subscriber, don't worry, you will continue receiving *The Naked Fish* until your subscription runs out or you fail to renew your membership. If you have received a complimentary copy, the way to get more issues is to either join a CAPR affiliated group or subscribe (\$10 per year). You may subscribe by calling 206.335.2312 or sending a check and your mailing info to:

CAPR  
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Enumclaw, WA 98022

We hope you enjoyed this issue and will join us in our attempt to bring some sense and sanity to environmental issues in King County.

Back issues of *The Naked Fish* are available at:  
[www.maycreek.com](http://www.maycreek.com)

Thinking cannot be carried on without the materials of thought; and the materials of thought are facts, or else assertions that are presented as facts. A mass of details stored up in the mind does not in itself make a thinker; but on the other hand thinking is absolutely impossible without that mass of details. And it is just this latter impossible operation of thinking without the materials of thought which is being advocated by modern pedagogy and is being put into practice only too well by modern students. In the presence of this tendency, we believe that facts and hard work ought again to be allowed to come to their rights: it is impossible to think with an empty mind.

J. Gresham Machen

*The Naked Fish* is published by Citizens' Alliance for Property Rights, a Washington state political action committee. Articles in *The Naked Fish* cover subjects of concern both to local and national readers. We try to provide environmental information not commonly found in the major media. Articles with bylines reflect the research, views and opinions of the author which may not reflect positions on the issues adopted by or CAPR or its affiliates.

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## SOCIALISM IS EVIL

By Walter Williams

What is socialism? We miss the boat if we say it's the agenda of left-wingers and Democrats. According to Marxist doctrine, socialism is a stage of society between capitalism and communism where private ownership and control over property are eliminated. The essence of socialism is the attenuation and ultimate abolition of private property rights. Attacks on private property include, but are not limited to, confiscating the rightful property of one person and giving it to another to whom it doesn't belong. When this is done privately, we call it theft. When it's done collectively, we use euphemisms: income transfers or redistribution.

It's not just left-wingers and Democrats who call for and admire socialism, but right-wingers and Republicans as well. Republicans and right-wingers support taking the earnings of one American and giving them to farmers, banks, airlines and other failing businesses. Democrats and left-wingers support taking the earnings of one American and giving them to poor people, cities and artists. Both agree on taking one American's earnings to give to another; they simply differ on the recipients. This kind of congressional activity constitutes at least two-thirds of the federal budget. Regardless of the purpose, such behavior is immoral.

It's a reduced form of slavery. After all, what is the essence of slavery? It's the forceful use of one person to serve the purposes of another person. When Congress, through the tax code, takes the earnings of one person and turns around to give it to another person in the forms of prescription drugs, Social Security, food stamps, farm subsidies or airline bailouts, it is forcibly using one person to serve the purposes of another.

The moral question stands out in starker relief when we acknowledge that those spending programs coming out of Congress do not represent lawmakers reaching into their own pockets and sending out the money. Moreover, there's no tooth fairy or Santa Claus giving them the money. The fact that government has no resources of its very own forces us to acknowledge that the only way government can give one American a dollar is to first — through intimidation, threats and coercion — take that dollar from some other American.

Some might rejoin that all of this is a result of a democratic process and it's legal. Legality alone is no guide for a moral people.

There are many things in this world that have been, or are, legal but are clearly immoral. Slavery was legal. Did that make it moral? South Africa's apartheid, Nazi persecution of Jews, and Stalinist and Maoist

purges were all legal, but did that make them moral? Can a moral case be made for taking the rightful property of one American and giving it to another to whom it does not belong? I think not. That's why socialism is evil. It uses evil means (coercion) to achieve what are seen as good ends (helping people). We might also note that an act that is inherently evil does not become moral simply because there's a majority consensus.

An argument against legalized theft should not be construed as an argument against helping one's fellow man in need. Charity is a noble instinct, [while] theft — legal or illegal — is despicable. Or, put another way: Reaching into one's own pocket to assist his fellow man is noble and worthy of praise. Reaching into another person's pocket to assist one's fellow man is despicable and worthy of condemnation.

For the Christians among us, socialism and the welfare state must be seen as sinful. When God gave Moses the commandment "Thou shalt not steal," I'm sure He didn't mean thou shalt not steal — unless there's a majority vote. And I'm sure that if you asked God if it's OK just being a recipient of stolen property, He would deem that a sin as well.

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Born in Philadelphia, Pennsylvania, Dr. Walter E. Williams holds a B.A. in economics from California State University, Los Angeles, and M.A. and Ph.D. degrees in economics from UCLA. He also holds a Doctor of Humane Letters from Virginia Union University and Grove City College, Doctor of Laws from Washington and Jefferson College and Doctor Honoris Causa en Ciencias Sociales from Universidad Francisco Marroquin, in Guatemala, where he is also Professor Honorario.

Dr. Williams has served on the faculty of George Mason University in Fairfax, Virginia, as John M. Olin Distinguished Professor of Economics, since 1980; from 1995 to 2001, he served as department chairman. He has also served on the faculties of Los Angeles City College, California State University Los Angeles, and Temple University in Philadelphia, and Grove City College, Grove City, Pa.

Dr. Williams is the author of over 150 publications which have appeared in scholarly journals such as *Economic Inquiry*, *American Economic Review*, *Georgia Law Review*, *Journal of Labor Economics*, *Social Science Quarterly*, and *Cornell Journal of Law and Public Policy* and popular publications such as *Newsweek*, *Ideas on Liberty*, *National Review*, *Reader's Digest*, *Cato Journal*, and *Policy Review*. He has authored six books: *America: A Minority Viewpoint*, *The State Against Blacks*, which was later made into the PBS documentary "Good Intentions," *All It Takes Is Guts*, *South Africa's War Against Capitalism*, which was later revised for South African publication, *Do the Right Thing: The People's Economist Speaks*, and *More Liberty Means Less Government*.

He has made scores of radio and television appearances which include "Nightline," "Firing Line," "Face the Nation," Milton Friedman's "Free To Choose," "Crossfire," "MacNeil/Lehrer," "Wall Street Week" and was a regular commentator for "Nightly Business Report."

Dr. Williams has received numerous fellowships and awards including: Hoover Institution National Fellow, Ford Foundation Fellow, Valley Forge Freedoms Foundation George Washington Medal of Honor, Veterans of Foreign Wars U.S. News Media Award, Adam Smith Award, California State University Distinguished Alumnus Award, George Mason University Faculty Member of the Year, and Alpha Kappa Psi Award.

Dr. Williams has frequently given expert testimony before Congressional committees on public policy issues ranging from labor policy to taxation and spending.

## ECONOMICS AND FAIRNESS

By Preston Drew

I would like to add some thoughts to the point-counterpoint articles written by Tim Trohimovich and my friend Rod McFarland concerning the Critical Areas Ordinance (CAO) that appeared in the Issaquah Press. Tim's article presented the view that the CAO was a reasonable and needed addition to King County land use regulation for the purpose of protecting drinking water, wildlife, open space and other amenities. Rod's main argument was that the CAO addressed a non-existent problem and is draconian overkill adversely affecting only the small rural King County population.

I have worked a resource business more than 30 years, owned land in the Snoqualmie Valley more than 20 years, and been involved in rural land use issues about 5 years. I served on the Snoqualmie Valley Land Use Advisory Group, citizens studying the CAO, and was nominated to two other land use commissions. I wrote 4 policy papers on the CAO which were published state wide, attended public meetings and testified before the King County Council.

This complex issue boils down to two main themes for most people that own rural property in east King county. They are Economics and Fairness. The CAO will cost landowners many millions in permits, fees and studies by empowering a bureaucrat/consultant complex. It will render some land unusable and limit options on most other lands. This after landowners have already given millions in

the form of downzones, setbacks, and buffers already mandated by current law, the Sensitive Areas Ordinance.

State law pushing this Ordinance, the Growth Management Act, codified specific goals, among them environmental protection, but also economic development and property rights protection. They were all supposed to receive equal weight when considering regulation. The CAO does not represent a balance of these important goals.

Is it fair that rural landowners should bear the brunt of these costs? Rural King County Councilmembers voted against CAO. It was passed by liberal urban Councilmembers. Their constituents will not be affected by the pain. It's another example of Seattle urban elitists putting us under their thumb. We pay while they come out here to play.

It is easy to see where this is going by looking at the state of Oregon. Washington and Oregon are similar in that both are dominated by large urban city/counties. Seattle/King County and Portland/Multnomah County. Most economic and political power resides in these two metropolitan areas. Land use regulation is nearly identical in both states. Urban growth areas, exclusive zoning, and state controlled development plans exist in similar schemes. There is one important difference. Oregon's system has been in place much longer, about 30 years. The economic impacts of their system have come home to roost. I know, my family took one of the worst hits.

taxes), are arrayed to protect the environment and the safety of its citizens but no person or department is tasked with protecting the property rights of its citizens.

Departments routinely make rules which result in diminishing the right of citizens to use their property. Periodically the Legto try to reign-in the rule making of departments which exceeds the letter and intent of the law, but this is always after the fact, slow and usually ineffectual. Most commonly, citizens are forced to sue to protect their rights. This is a long and expensive

Drew farms was a 2000 acre, Eugene area, grass seed producer. The farm was started by my great-grandfather in 1908. The third generation was farming the operation when my uncle died suddenly in 1974. The inheritance tax burden coupled by five bad years left them in serious debt. They had to sell some of their land to save themselves. The late '70's real estate market was good and the land was already zoned appropriately, but the Oregon Land conservation and Development Commission deemed the land better for farming and timber production. Our family lost the whole farm. Three generations of farming gone, a loss that can never be recovered.

The last election cycle saw Oregon voters effectively throw out their land use system. Measure 37 even passed in Multnomah County. The new law requires compensation when land use rules destroy value, or as an alternative, the relaxation of the regulation.

Citizens Alliance for Property rights has organized a referendum to put King County's CAO on the ballot. The people affected, Unincorporated King County residents, should have the opportunity to vote it up or down. King County Prosecutor Norm Maleng, Thousand Friends of Washington, and the Center for Environmental Law and Policy are suing to stop us. Big mistake. They are turning this into a voting rights issue along with the other substantive issues. This will further enrage and polarize the eastern portion of the county. Let's not wait 20 more years and witness the destruction of our rural economy.

course and pits the might of the state against a single citizen. To compound the insult, the Attorney General, using the State's monies and resources, defends the department's actions and fights against property owner who is trying to defend their rights and their property.

The system is broken and there is no balance. The solution is an initiative to force government to pay for taking or damaging the value of property just as the Washington State Constitution says.

Continued on page 5

## The Balanced Rights Initiative

Continued from page 2

The System is Broken

The citizens of the State of Washington have lent their sovereignty to the State of Washington in exchange for guaranteed protections of person and property as provided for in the Washington State Constitution.

Today an imbalance exists. The full force of the State, its departments and monies (your

**SNOHOMISH COUNTY COUNCIL FIGHTS FOR AND WINS LOCAL CONTROL OF GROWTH**

Thurston County Superior Court Judge Richard Hicks on October 15, 2004, reversed a decision by the Central Puget Sound Growth Management Hearings Board involving two major growth management decisions by the Snohomish County Council. The Court overturned a Board decision on an appeal initiated by the State Department of Community, Trade, and Economic Development on behalf of Governor Gary Locke challenging three countywide planning policies relating to growth of urban areas and when churches in rural areas may hook up to existing sewer lines.

The appeal was ordered by Governor Locke over the objections of the five members of

the county council. The policy on urban growth area expansion was supported unanimously by Snohomish County Tomorrow.

County Council Chair John Koster issued the following statement on the ruling:

“One policy was adopted with complete cooperation from the cities in Snohomish County. The other policy allowed for churches to be built along the border of urban growth areas. In spite of these noble goals, the state of Washington attempted to impose top-down growth management by appealing these two sensible policies.

The court today rejected state-mandated growth management in favor of local

control. All five members of the county council asked the Governor not to appeal and today we are vindicated.

“This is an important ruling for Snohomish County and our cities. But it is an equally important ruling for all local governments in the state of Washington who are trying to manage growth, provide for economic development, affordable housing, and protection of the environment.”

Koster also congratulated the work of the Prosecuting Attorney’s land use section in crafting the legislation and arguing it successfully before the Thurston County Superior Court.



King County thoroughbred breeder Rick Spence has pledged one half of the winnings of one of his up and coming colts, named Callhimsir, to CAPR. We will announce his races on the web site and encourage folks to go root for him when he races. Betting is optional but it would be good form to donate half of anything Callhimsir wins for you to CAPR also.

**A SHORT QUIZ ABOUT THE NEXT ASSAULT ON PROPERTY RIGHTS**

1. What state passed an “Invasive Species” law – with the full stakeholder cooperation of the green industries – but whose industry now finds that 15 of its products, worth \$18-20M in annual sales, are on the “Invasive Species” list?
2. Which three Federal agencies were involved in the case of a Pennsylvania landowner who was required to plant only native species (and to remove nonnative, “Invasive Species”) on his own private property to control erosion along the federally designated “Wild and Scenic” Allegheny River?
3. What major Congressional bill contains clauses that introduce new National Environmental Policy Act mitigation and inventory processes similar to those in the Clean Water Act and Endangered Species Act for regulation of “invasive” and native species on highway projects?
4. Though clearly harmful to human health, poison ivy, poison oak and poison sumac are not found on “Invasive Species” lists. Why?
5. True or False: Rainbow trout is listed as an “Invasive Species” by Federal agencies.
6. In what State was a commercial beekeeper prevented from placing a bee yard on public land because the honeybee is of European origin, thus an “Invasive Species”?
7. True or False: In 1999, tall fescue, birdsfoot trefoil, crownvetch, redtop and ryegrass – for decades the primary species recommended for conservation use in the Northeast by the Natural Resources Conservation Service (NRCS) – were “no longer recommended” because they were suddenly considered “Invasive Species”.
8. Which Federal agency falsely states that perennial ryegrass, sweet clover and crownvetch are on State noxious weed lists?
9. What major university conducted a study and released it to the Associated Press, concluding that the flower seed industry was acting irresponsibly by selling “Invasive Species” seeds of Black-eyed Susan, cosmos, bachelor buttons, snapdragon, baby’s breath and others?
10. Under what statute are Federal agencies authorized to list or prohibit “Invasive Species”.

**Answers**

1. Connecticut.
2. The U.S. Forest Service, U.S. Fish & Wildlife Service and the U.S. Army Corps of Engineers. (The USFS came up with the initial requirement.)
3. The Senate version of the Transportation bill, the House having removed the clauses. The bill did not pass in the last Congress (108<sup>th</sup>), but will be reintroduced in the current session (109<sup>th</sup>).
4. They are native to North America.
5. True.
6. Colorado.
7. True.
8. The Federal Highway Administration (FHWA).
9. The University of Washington, Seattle.
10. None. All listings, prohibitions, etc., have emanated from President Clinton’s “Invasive Species” Executive Order No. 13112. It is vital that we stop “Invasive Species” from becoming law. Any clauses allowed to remain in the transportation bill, the National Aquatic Invasive Species Act, the Public Land Protection and Conservation Act and others, that refer to “invasive species” will encounter America with what is tantamount to the next ESA if not removed or the bills defeated.

**The natural progress of things is for liberty to yield and government to gain.**

**- Thomas Jefferson**

This quiz comes to you from Julie Kay Smithson, founder of [www.PropertyRightsResearch.org](http://www.PropertyRightsResearch.org)

**TEACHING MATH IN 2005**

Last week I purchased a burger at Burger King for \$1.58. The counter girl took my \$2 and I was digging for my change when I pulled 8 cents from my pocket and gave it to her. She stood there, holding the nickel and 3 pennies, while looking at the screen on her register. I sensed her discomfort and tried to tell her to just give me two quarters, but she hailed the manager for help. While he tried to explain the transaction to her, she stood there and cried.

Why do I tell you this? Please read more about the “History of Teaching Math”.

**Teaching Math In 1950**

A logger sells a truckload of lumber for \$100.  
His cost of production is 4/5 of the price. What is his profit?

**Teaching Math In 1970**

A logger sells a truckload of lumber for \$100.  
His cost of production is 4/5 of the price, or \$80. What is his profit?

**Teaching Math In 1990**

A logger sells a truckload of lumber for \$100.  
His cost of production is \$80 and his profit is \$20.

Your assignment: Underline the number 20.

**Teaching Math In 2005**

By cutting down beautiful forest trees, the logger makes \$20. What do you think of this way of making a living?

Topic for class participation after answering the question:

How did the birds and squirrels feel as the logger cut down the trees? (There are no wrong answers)

**“The Budget must be balanced, the treasury must be refilled. The Arrogance of public officials must be tempered and curtailed. Assistance to foreign lands must be terminated lest we ourselves become bankrupt. The unemployed must be forced to work and not rely on the government for assistance.”**

**Cicero — Roman Senator  
106 - 43 BC**

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## FUTURE THEFT

*Are gardens and ecosystems mutually exclusive? King County's 65-10 rule denies future generations the American gardening tradition.*

(PRWEB) October 20, 2004 – Every American town has one – sometimes more than one. They can be young, impulsive and creative, or older, practiced masters. Most towns encourage them. “They” are the local artisans and craftsmen that give your town interest and bring a beauty to everyday things that are shared by all. The color and character of a town is enhanced by its artists, and they are often encouraged by townspeople and patrons.

But America is changing. In the town of America's future, there may be no artists, because these artists will no longer be encouraged by some people. Their ability to work will be severely limited, and sometimes completely prohibited. In America's future, these artists will produce few works of art. They will have to scrape and save, for each canvas will be so costly that it may take years and years for an artist to save enough for a purchase. Once the artist has the canvas, the inspiration to create will have to take a back seat, until the proper permissions are granted. The artist will have to consult with a government agency, who will want to inspect the canvas and will require a detailed plan from the artist about how he will use the canvas.

If we follow an artist through inspiration to creation we will see how America can change.

Let's take a simple idea; our artist has been inspired to create a work that draws from his family history and his country of origin. Perhaps he was enchanted by his grandparent's stories from their ancestral home. He hopes to capture on his canvas some of the spirit of that place. Imagine the elation of the artist, when the government official approves his idea and he can begin work!

Happily, our creative friend begins selection of the color palette. His budget is very small now, because the canvas was so expensive, and the work with the government agent, and the other consultants required to get permission to use the canvas further drained his finances. But he is determined and he manages to purchase his materials and settles in to work.

But there is another problem. The government agent has contacted the artist. It seems that while the artist was preparing his canvas and selecting his color palette, a council meeting was held. In that meeting, the town officials were pressured by a group to change their permission process for granting artists the right to use their canvas. Now, our artist is told, it is only possible to use a portion of the canvas, he may not use the whole canvas for his work. In fact, he

must leave 65% of his canvas untouched. Oh dear! What if the artist has already begun work? Well, the government official will reply, then he must spare no expense to restore the canvas he has harmed to its original condition, and only work in the area he is allowed.

But that isn't the end to the problems. Because the government official follows through with another constraint. “You can't use the colors you have chosen,” the government agent will tell the artist. “You must only use colors from the color palette that we provide you.” Our artist's elation has turned to despair. The government official will allow only a few colors, all of the same hue. The inspiration for the canvas, which was to capture the vibrant colors from the artist's ancestral country cannot be followed. The artist has no choice but to create a work that looks just like his neighbor's work, because no matter what the size of their canvas, they can only paint on a small portion, and no matter what the inspiration for the art, they must all select from the same color palette. Our artist, who may want to create a work based on his cultural background, his ethnicity or out of curiosity or experimentation, is defeated. The individual expression of his talent is unacceptable in the new American town.

In the meantime, you don't worry, because this is just a story and you fully support the arts. You are comfortable that the experience of the town and the artist in my story will not be played out in your town.

If you live in King County, Washington, you are wrong. In fact, you are very wrong. Because elected officials in King County Washington have recently passed an ordinance that limits individuals from taking inspiration from their cultural heritage, and exercising their imagination to create a garden for their homes and properties. You see, these artists are only allowed to use 35% of their canvas (their property), and may only select plants from a color palette of native plants chosen for them by the Department of Natural Resources and Parks.

This shackling of creative inspiration is a significant departure from the history and culture of the Seattle area. King County, and the counties neighboring it, are home to a variety of historic gardens. The Kubota garden, in Seattle, is built on 20 acres and reflects a rich Japanese tradition. In it are planted a wealth of Asian and other non-native ornamental plants. Fujitaro Kubota started the garden by purchasing a logged off swamp, and later expanded the garden into adjacent property. In the construction of the garden a natural stream was enclosed to create a pool. Over 400 tons of rock was brought to the property to create a mountainside, with pools, waterfalls and winding pathways. It is a beautiful meditative garden.

What would happen if Fujitaro Kubota tried to create this garden today? Would the government agents allow it without applications of permits, land management plans, setbacks for aquatic areas and slope buffers to protect so-called critical areas? How do you suppose his garden would look after conforming to these rules and ordinances? Do you think he would have created such a striking work of art in his landscape by following those rules? Do you think he would have built the gardens at all?

Lakewold, in Lakewood, WA, is a fine estate with ten acres of elegant gardens. The garden was created with a brick walk—an impervious surface—which is now limited by the King County Critical Areas Ordinance to be 10% or less of the total size of the parcel. The garden also displays rare alpine plants and exotic rhododendrons which would be prohibited on the 65% of the property set aside by the county under the Critical Areas Ordinance land management rules. A traditional European knot garden, and rose garden would also be confined to the designated usable 35% of the property which would include the house and any other buildings if built on a rural King County parcel. In other words, an estate like Lakewold, with its extensive garden rooms extending to every corner of the parcel, could not be built today with the rules the county is imposing on rural King County gardeners and property owners.

Past residents of Washington State have appreciated the work that the artists who are gardeners do. They admired these gardens for their beauty, creativity and for the displays of rare and exotic plants. They have funded the preservation of these gardens for all to enjoy. But now, rather than promoting the free creative expression that a garden can provide, some people in King County want to stop it.

If Fujitaro Kubota was limited the way rural King County residents are today, he would have only been allowed to put gardens on roughly 5 of the 20 acres he had purchased, and would have had to purchase additional parcels in order to create a 20 acre sized garden. So the rules that some people are imposing on King County are worse than merely stifling the creative freedom of a property owner to plant a garden. They are also putting land ownership out of the reach of many people because when a buyer must spend money on regulatory compliance, and is limited in the use of the property because 65% of it must be left wild, and when the buyer might be required to purchase multiple lots in order to get enough buildable land, in the view of the county land management department, for a house, the cost of attaining the American dream becomes astronomical.

What do you suppose will happen to the special character of the county when gardeners can no longer practice their art freely? No doubt any existing gardens, if they survive, will become relics, consumed by foundations or government agencies that will always beg for money to keep them going. They will also be a place where people, citizens of a “free” country can only look and envy the freedom past residents of King County had when they pursued their American dream.

King County officials will try to tell you “we have to save the land for future generations.” But what will King County be giving future generations? Certainly not the stunning Asian-themed Kubota gardens or the quiet elegance of Lakewold. And if the elected officials lock up lands owned by common citizens for future generations, doesn't that leave the current generation of King County residents bereft of a future for themselves?

<http://www.prweb.com/releases/2004/10/prweb167834.htm>

## THE BALANCED RIGHTS INITIATIVE

Continued from page 3

The Balance

Property owners have a right to use their own land as it was zoned when they purchased it as long as that use does not interfere with right of someone else to use and enjoy their property. No one has the right to pollute but everyone has the right to use their land and enjoy their land.

Defend your rights and your property!

Support the Balanced Rights Initiative – email us at [Info@balancedrights.org](mailto:Info@balancedrights.org)

Volunteers Needed – email us at [Volunteer@balancedrights.org](mailto:Volunteer@balancedrights.org)

Send us your horror stories about government abuse to [stories@balancedrights.org](mailto:stories@balancedrights.org)

### May Valley Environmental Council

meets every Monday at 7:00 p.m.

in the basement of Leonard's

at the corner of SR 900 & 164th Avenue NE

[www.maycreek.com](http://www.maycreek.com)

### Four Creeks Unincorporated Area Council

meets the third Wednesday of each month at 7:00 p.m.

May Valley Alliance Church  
16431 SE Renton-Issaquah Rd

See their web site at [council@fourcreeks.org](mailto:council@fourcreeks.org)

### Greater Maple Valley Area Council

meets the first Monday of each month at 7:00 p.m.

King County Police Precinct #3  
22300 SE 231st, Maple Valley

See their web site at  
[http://www.metrokc.gov/dchs/uac/uac\\_gmv.htm](http://www.metrokc.gov/dchs/uac/uac_gmv.htm)

# THIRTY YEAR ENVIRONMENTAL EXPERIMENT ACHIEVES 1% OF GOALS

Washington DC - A new approach to improve and update the Endangered Species Act was presented at a news conference today with House Resources Committee Chairman Richard Pombo (R-California) and Representative Greg Walden (R-Oregon), along with Senators Mike Crapo (R-Idaho) and Lincoln Chafee (R-Rhode Island), the chairman of the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water. The members signaled the start of a House-Senate partnership approach to addressing the issue.

"The ESA desperately needs an update and a renewed focus on species recovery," Chairman Pombo said. "Its one-percent recovery result over the past thirty years has failed to live up to the Act's noble intent and our intrinsic values as Americans. These are vital statistics that no individual can support. [Editor: Any business program with a similar track record would be scrapped and its managers fired or reassigned to the lowest corporate rung.] As such, I am eager to continue the work that is being done between our chambers and optimistic that we can breathe new life into this law for the 21st century."

"It is critical that we modernize and

## MEMBERS OUTLINE NEW APPROACH TO ENDANGERED SPECIES Pombo, Walden, Crapo, and Chafee announce House-Senate partnership

strengthen the 30-year-old ESA so that it can become a more effective tool for recovering threatened and endangered species," said Representative Walden. "As the hard-working people in Oregon's Klamath Basin will tell you, and the National Academy of Sciences will confirm, this well-intended law simply isn't working as it should. Not only should the health of species throughout the nation be demonstrably improved by the ESA, but [also] the health of communities and local economies should also be carefully addressed, as they, too, are directly impacted by the policy decisions driven by the Act. For the sake of these communities, imperiled species, and the environment that is habitat for these species, I am confident we can make positive strides toward improving the results of the ESA and bringing it into the 21st century."

"The Endangered Species Act is one of our most important laws and Congress will soon begin seeing proposals concerning it," said Senator Crapo. "We have agreed to work together with bill sponsors and I am determined to achieve this ESA improvement with bipartisan support for a consis-

tent approach in both chambers. Our goal is to strengthen the ESA by improving habitat conservation and recovery, providing more and better incentives, and enhancing the role of states where appropriate. Overall, we believe the ESA can be less contentious and more effective."

Since 1973, the Endangered Species Act has worked [Editor: Obviously, this guy doesn't read his own press releases. See paragraph 2] to protect thousands of species and the habitats upon which they depend," Chairman Chafee said. "Across the nation, there are new and innovative approaches to advancing species conservation and recovery. We will be taking a hard look at ways to improve the Act in the subcommittee this year by holding hearings that involve a broad group from the environmental and business communities. [Editor: Note the conspicuous absence of private property owners. Why would you talk to the folks who own the habitat you are locking up?] I look forward to working with Senator Crapo, Chairman Pombo and Representative Walden to craft legislation that enhances recovery of species and the conservation of

habitat."

"Americans want the Endangered Species Act to achieve its purpose of recovering species," said Interior Secretary Gale Norton. "Today's announcement that these key members of Congress will be working to update and strengthen the ESA is noteworthy and encouraging. We are prepared to work with Congress and stakeholders to identify ways to improve the recovery of endangered species."

The members focused on issues like addressing priorities, increasing funding, and more inclusive participation in scientific questions.

While hearings are not yet scheduled, we expect to see bills introduced and we will work with all sponsors to coordinate a positive effort this year.

### CONTACT:

Pombo-Brian Kennedy 202-226-9019  
Walden-Angela Wilhelms 202-226-7338  
Crapo-Susan Wheeler 202-224-5150  
Chafee-Stephen Hourahan 202-224-6167

[http://resourcescommittee.house.gov/Press/releases/2005/0210esa\\_joint.htm](http://resourcescommittee.house.gov/Press/releases/2005/0210esa_joint.htm)

## MAY DAY, MAY DAY, MAY DAY

Actually the second day of May, 2005  
at 6:00 p.m.

is the next

### May Valley Potluck

at the

**May Valley Alliance Church  
16431 SE Renton-Issaquah Rd**

Quarterly community potlucks have become a tradition in May Valley. They were originally started by May Valley Environmental Council but have expanded to include a much broader community. Everyone is welcome to an informal evening of good food and the pleasure of socializing with neighbors. There is a discussion of the issues affecting our lives and properties but it is kept very low key. Bring your favorite casserole and join the fun.

## CASCADE COUNTY COMMITTEE

### Who are we

A group of concerned citizens from across rural and suburban King County who feel that their county government doesn't represent their interests any more and who want a change. Members come from a variety of neighborhoods and backgrounds, but all share a philosophy that the government of the county we live in should be responsive to the people.

### Our Mission

To return control of local county government to the citizens of our area by forming a new county from the suburban and rural segments of current King County, WA.

### Public Meeting

The first public meeting of the Cascade County Committee will be on March 24th at 7:00 pm at the Salal Grange Hall in North Bend. To get there, take I-90, exit 32. Turn left onto 436TH AVE SE, turn left onto Cedar Falls Way, then after only 0.3 miles, turn RIGHT onto 432ND AVE SE. The Grange is on the right. From North Bend, head east on North Bend Way, staying straight at the split at the end of town. Follow to 432nd Ave SE, turn right, then left into the Grange parking lot

For more information and notices of future meetings go to <http://www.cascadecounty.kendra.com/>.



**"The system of private property is the most important guaranty of freedom, not only for those who own property, but scarcely less for those who do not. It is only because the control of the means of production is divided among many people acting independently that nobody has complete power over us, that we as individuals can decide what to do with ourselves."**

Nobel Prizewinning economist, Friedrich A. Hayek

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## DEMOCRATS POISED TO SEIZE WATER (AND POWER) IN WASHINGTON

By James L. Buchal  
January 1, 2005

*"The natural tendency of every government is to grow steadily worse - that is, to grow more satisfactory to those who constitute it, and less satisfactory to those who support it."*

H. L. Mencken

While most Washingtonians were focused on the ongoing effort by Democrats to seize control of the office of governor, Governor Locke last week jumped the gun, and released a proposal for new water legislation that gives a preview of life under a Gregoire Administration, where every fervid fantasy of Seattleites can become legislative reality.

The proposed water law amendments, breathtaking in scope and audacity, replace centuries of Western water law with a Communist-style system of rationing, designed gradually to grind away private water rights, so as to increase river flows in the mighty Columbia.

By way of background, it is important to understand that there is not a shred of evidence that the mainstem Columbia River is over-appropriated; existing law would bar further appropriations if it were. As to effects on fish, for twenty years, untold millions of dollars in federal and state funding has been shoveled into "biologists," in a ceaseless quest to prove some sort of relationship between the river flows in the mainstem Columbia and salmon survival.

All these efforts have failed.

Perhaps the nadir came last spring, as the product of yet another massive payment from Washington citizens, this time to the National Academy of Sciences. This supposedly august body concluded that even though it was impossible to document any adverse effects on fish from another million acre feet of growth in Eastern Washington

water consumption, there was risk (isn't there always?) that would support limitations on further appropriations.

The proposed legislation thus candidly declares that higher stream flows in the Columbia River are "necessary for the preservation of environmental values." Like most modern environmental legislation, the proposal will have no perceptible benefits in the real world. Its most important effects are in the minds of those who attach moral overtones to their peculiar political preferences.

If the new law is adopted, no additional water may be withdrawn from the Columbia River (or the virtually limitless areas deemed to be in hydraulic continuity with it) at all. Anyone who needs water must obtain it by extinguishing rights held by others, and only rights upstream. Thus, those furthest upstream, in the most vulnerable rural areas, suffer the most. It is their destiny to close their farms and orchards, and sell their water down the river, returning the land to the wilderness so beloved by the urbanites, who never see it. But, the long-term effects of the proposal go far beyond "rural cleansing." For the enemies of Eastern Washington, it is not enough merely to cap water consumption, and thus, economic growth. After all, the region has chafed under an illegal moratorium on further appropriations since 1991, and there are still enough voters there to threaten urban hegemony.

Thus, under the proposed legislation, the hapless farmer who does reach upstream to buy water rights suffers an immediate tax of 50 percent on those water rights "to benefit streamflows." If a farmer needs two acre-feet of water, he must buy four, for two must go to the state's new "Columbia River Mainstem Account" for permanent dedication to instream flows. The state would prefer to avoid such private "mitigation" transactions, so an appropriation of \$70 million is sought for

the Department of Ecology to buy water, and put it in the Mainstem Account. Water the state buys must only be allocated two thirds for new uses and one-third for instream flows, not half and half.

Applicants who turn to the state for water must make an undefined "require[d] annual payment" for the "Columbia River Mainstem Investment Account," creating yet another off-budget slush fund for any sort of environmental boondoggle that catches the fancy of the bureaucrats and their allies (or personally enriches them). Naturally, there must be an entire new "compliance program," to "send hither swarms of Officers to harass [the] People, and eat out their substance."

Whether a 50 percent tax or a 33 percent tax, each transaction will gradually suck the economic life out of Eastern Washington, by diverting water from economically beneficial activity, to sacrifice on the altar of environmental irrationality. And, because the proposed legislation covers "any new water uses," it will tend to freeze all existing patterns of water use, potentially locking farmers into growing the same crops. As agricultural conditions change, farmers who seek to change with them, will be forced to forfeit larger and larger amounts of water for instream flows, with each new transaction shrinking the pool of available water. The Department of Ecology studiously ignores all these effects, boldly declaring in its *Small Business Economic Impact Statement* that because its bureaucrats have so successfully snarled up existing water rights applications, the new proposal should be viewed as a "cost reducing method."

Ecology notes that "experience from the last 10 Columbia River Mainstem water right applications... indicates that the existing rules impose business costs due to long waiting periods and expensive litigation," without mentioning that the only reason

the expensive litigation was required (a case I prosecuted) is because Ecology unlawfully refused to process the water rights applications, in the first place. Some hint of how the bureaucrats will stretch the proposed legislation is contained in the proposed rules that accompany it. For them, dedicating one-third of the Mainstem Account for instream flows is not enough; an entire third category of water must be withheld "to offset the estimated future consumptive uses that the department might approve within the Washington portion of the tributary basins to the Columbia River." That estimate, presumably to be prepared only after the legislation is passed, may leave precious little in the Mainstem Account for actual new uses.

Drought permits, most recently issued in 2001, will now be limited so that they may only be issued "when the mainstem account administrator certifies that the portion of the mainstem account dedicated to provide for mitigation for new out-of-stream consumptive uses" is sufficient to cover the permit. All of the rule's provisions are intended to mitigate "potential impacts," yet another subtle admission that the entire scheme addresses only the fears of fools, not real-world problems.

If Washington's Legislature contained a majority other than such fools, the Department of Ecology pests who came up with this nonsense would be sent back to their offices empty-handed, and forcefully told to implement the laws they have, rather than building new empires to "solve" the crises they create. But, Washington now faces the specter of one-party government controlling all the agencies, courts, and the Legislature, and that party is singularly dedicated to building new empires of government employees. There has seldom been a gubernatorial race with higher stakes for Eastern Washington.

## FROM THE PRESIDENT

### RODNEY MCFARLAND

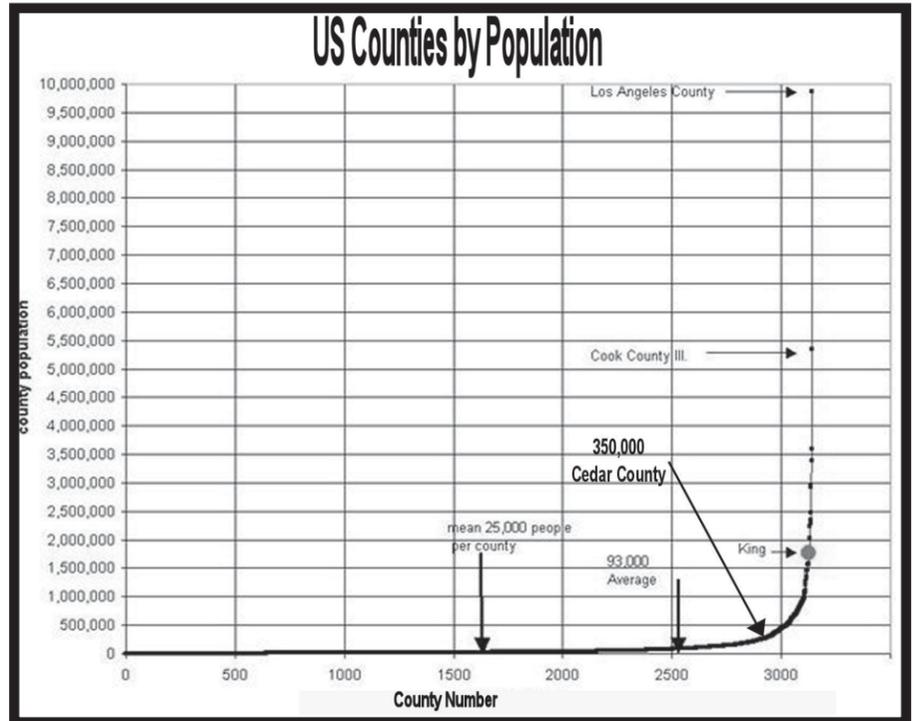
Many land use issues boil down to the question of who should make the decision as to the most appropriate use for any given property.

Private property rights advocates will usually choose the owner of the property. They believe that the person who owns the property will recognize that their best interest lies in the wise use and conservation of the resources of the property. Property rights advocates recognize that there is a small fraction of property owners who will take a shortsighted approach, pillage the resources and then move on. Humans tend to project their actions onto others. They assume that others will see things similarly to themselves and consequently behave much as they themselves would. Because most property rights advocates manage their properties well, they assume that most other folks will also manage their property wisely. They will agree that society needs to deal with the small percentage whose unwise use of their property adversely impacts their neighbors, but only when the impacts exceed some fairly high bar.

The flip side of private property ownership is collective ownership of property. The collectivists assume that individual owners will more often than not take the shortsighted approach of pillaging the property and often cause harm to their neighbors. The solution to that problem is management by committee via a large body of rules and regulations that are applied to all property, or at least the property that isn't owned by the collective, or the abolition of private property by moving ownership to the collective. Through some mechanism unknown to me, it is assumed that the collective mind will

devise a better use of the property than any individual might. My personal experience is that, while two heads may be better than one, the law of diminishing returns comes into play quickly as the size of the group increases. It doesn't take a very large collective to prove the truth of the old saying, "Collectively, they couldn't pour piss out of a boot if the directions were on the heel!" Collectively we are able to make much larger mistakes than an individual would. There have been several large collectivist failures in the last century or so that we might want to learn from.

I do find the collectivist attributes projected onto the property rights advocates interesting to contemplate. We thus become "ideologues" and "developers" and "sprawl mongers" and "clear cutters" among other interesting titles used to portray us as bad people because we aren't collectivists. We certainly have ideas and use our right of speech to convey those ideas to others. I, for one, am certainly grateful for the houses I have lived in over the years that were built by developers. Most property rights advocates will choose a house with some property around it rather than an apartment in a downtown high-rise and not feel that we are destroying the earth by that decision. I'm unsure what to think of the "clear-cutter" label. Mr. Constantine and Mr. Sims and Mr. Trohimovich keep telling me that according to the new CAO it is perfectly okay to clear-cut my 65% native vegetation set-aside area as long as I have a "forest production plan." Mr. Trohimovich has said on radio that clear cutting is what we do out here in the rural areas. So is the label of "clear-cutter" good or bad? What if I don't want to clear-cut my set-aside, maybe just replace it with an or-



chard? Prevention of clear-cutting seems to be the primary rationale for preventing most uses of 65% of rural King County. And yet, the spokesmen keep saying it is okay. Tell me again why we need the CAO?

We have a prime example of collectivists destroying what an individual had protected for many years on Maury Island. Mr. Kerry Lapine owned, for twelve years, a couple of acres that happened to support a blue heron rookery. The birds had used the property for their rookery before Mr. Lapine purchased it. In fact, it was the largest rookery in Puget Sound with 200 to 300 nests, depending on the year. Mr. Lapine carefully kept people away during nesting and rearing times. He did a good job protecting the herons. The collectivists who run the

Vashon Maury Island Land Trust decided that Mr. Lapine should no longer be the caretaker of the rookery and brought much pressure to bear on Mr. Lapine with the help of their friends at DDES. Eventually, a trade was negotiated, and VMILT took over ownership of the rookery. They allowed folks to go near the nests at the wrong time of the year and within two years all the heron were gone. What had been an important environmental feature wisely managed by Mr. Lapine, was destroyed by collectivists who couldn't find the proverbial "directions on the heel."

These are the same folks who propose to manage all private property in King County, Washington, and these United States because they think property owners are too dumb to do it themselves.

## MONEY

Money is the volume knob for voices in the political arena. To be heard above the general din takes substantial amounts of money. That is why Citizens' Alliance for Property Rights was organized from day one as a political action committee so that we have a state-approved mechanism for raising and distributing political funds. The more like-minded citizens and organizations we can enlist in that endeavor, the louder we can turn our collective volume.

The old adage that you get what you pay for is especially true with respect to government. And we aren't talking about what you pay in taxes. The government you get is directly correlated to the dollar amount of campaign contributions received by candidates that have views similar to yours on the issues that matter most to you. In case you haven't noticed, the anti-private-control-of-property crowd is outspending the pro-private-control-of-property crowd by a wide margin. It is so lopsided that even our Supreme Court judges are voting against property rights explicitly guaranteed by both the state and federal constitution.

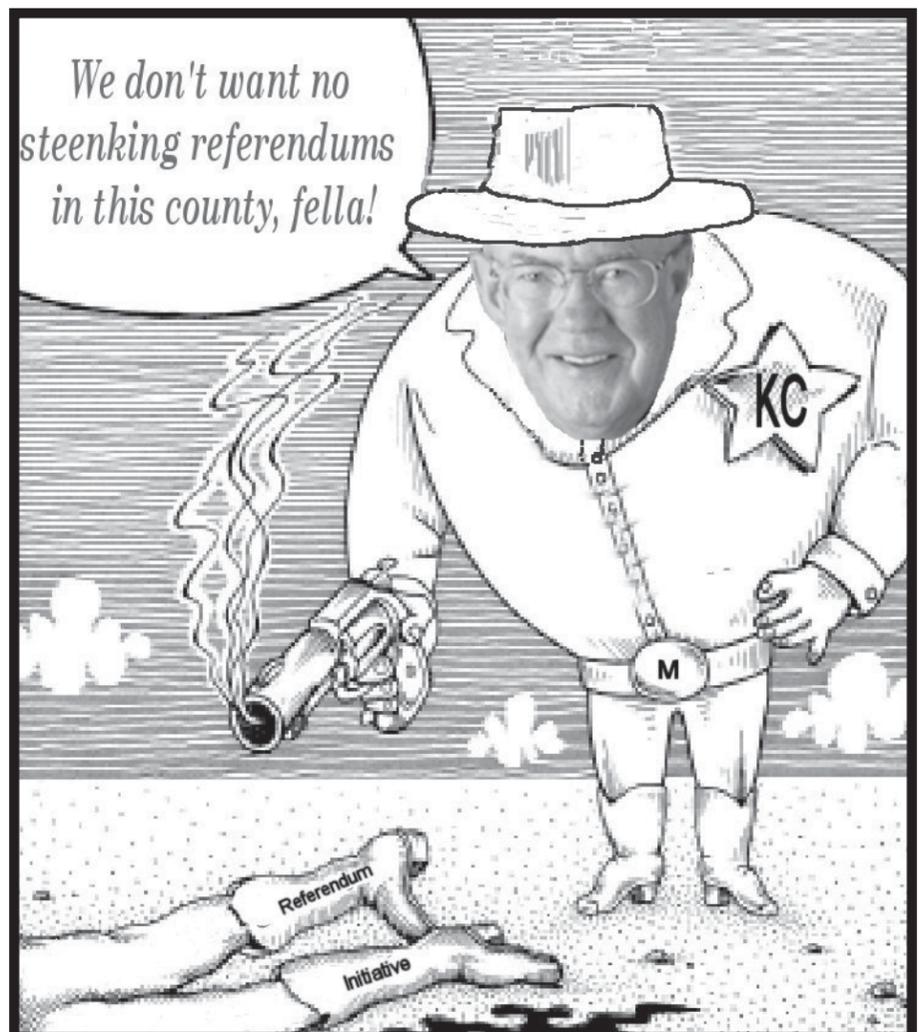
The only way to correct the imbalance is to fight their money with our own. While individual contributions to individual candidates have been the traditional means of financing elections, there is a more modern

alternative. Political action committees are a government-approved method with which people with common goals can pool their resources to maximize the return on their campaign dollars. CAPR organized for the specific purpose of finding, endorsing and funding candidates in Washington who will promote and defend our constitutionally guaranteed right to own and control property. That is and will always be our primary purpose.

CAPR Legal Fund was started to handle the legal defense of our property rights. It is an affiliated organization that is organized as a 501(c)3 nonprofit so that contributions to it are tax deductible. Please check with your tax advisor since the IRS changes the rules from time to time.

Please contribute what you can and encourage your like-minded friends to do so also. No amount is too little (there is a \$25 minimum for online contributions since we have to pay extra for processing those transactions) and there are no limits to what you can give, unlike contributions to specific candidates.

CAPR  
718 Griffin Ave #7  
Enumclaw, WA 98022  
or  
[www.proprights.org](http://www.proprights.org)



### ARTICLE II LEGISLATIVE DEPARTMENT SECTION 1 LEGISLATIVE POWERS, WHERE VESTED.

(a) Initiative: The first power reserved by the people is the initiative.  
(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety...  
Washington State Constitution

### Citizens' Alliance for Property Rights Monthly Board of Directors' Meeting

First Thursday of each month at IHOP  
1433 NW Sammamish Road, Issaquah WA  
Dinner at 6:00 p.m. — Business meeting at 7:00 p.m.